IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	John C. Bell, *et al.*	Atty. Ref.:	18041B-PCTUS
Appl. No.:	10/551,103	Group Art Unit:	1648
Filed:	September 26, 2005	Examiner:	Mosher, Mary
Conf. No.:	1653	Customer No.:	31976
For:	MUTANT VESICULAR STOMATITIS VIRUSES AND USES THEREOF		

Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl and Brian D. Lichty, do hereby declare and state:

1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 3-6 and 8-20, as amended by the Amendment submitted herewith.

2. The subject matter of claims 3-6 and 8-20, as submitted herewith, was conceived and reduced to practice by us before September 9, 2002. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.

3. The experiment described in Exhibit 1, was performed in Canada.

4. Exhibit 1 shows the results of an experiment that produce a ΔM51 mutant vesicular stomatitis virus. For example, the bottom right corner of the page describes that the virus designated XNDGM4 was obtained, which is a ΔM51 mutant vesicular stomatitis virus.

5. In Exhibit 1, at the very bottom of the page is the statement that "[a]ll this is pending sequencing to confirm mutant". Prior to September 9, 2002, this sequencing was performed and confirmed that the mutant vesicular stomatitis virus had the ΔM51 mutation.

6. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell — Date: July 20/09

David F. Stojdl — Date

Brian D. Lichty — Date

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John C. Bell — Date

David F. Stojdl — July 21, 2009
Date

Brian D. Lichty — Date

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John C. Bell _____ Date _____

David F. Stojdl _____ Date _____

Brian D. Lichty _____ Date July 21, 2009

Exhibit 1

REDACTED

EXP NO ASSAY NOTES DATE 23

G less NSV (Rescue of AMS1

T7 G

15 150 245 175

Also (over 24h also)

Took 5 coul from each of G-less rescue well (pg 22) and infected Vero cells . the perfuse of 20 ug/ml ARA-C for 2 hours

Add 3ml DMEM (high glucose) w: 30 ug/ml ARA-C

To the transfected BHK G cells I added 3ml DMEM w/ 30 ug/ml ARA-C to take them recover

(NB I suspect BHK don't like Optimem for long periods of time)

Checked all plates

Good News! well #6 B. from Rec II (pg 20) has 1/4 of the plate with CPE distruction of BHK T7 & Vero overlay . will monitor to see if CPE spreads

This represents XNDGM4 !!! (ie ΔMS1 in MSVXN backbone)

This mutant is rescuable

Now I must rescue it in my MSVXN backbone /

Alt. this is pending Sequencing to confirm mutant

SIGNATURE